VIOLENCE AGAINST WOMEN: A SOCIOLOGICAL STUDY OF RAPE IN DELHI

A SYNOPSIS

Submitted to

DAYALBAGH EDUCATIONAL INSTITUTE

(Deemed University)

For the Degree of

DOCTOR OF PHILOSOPHY

In SOCIOLOGY

2013-2014

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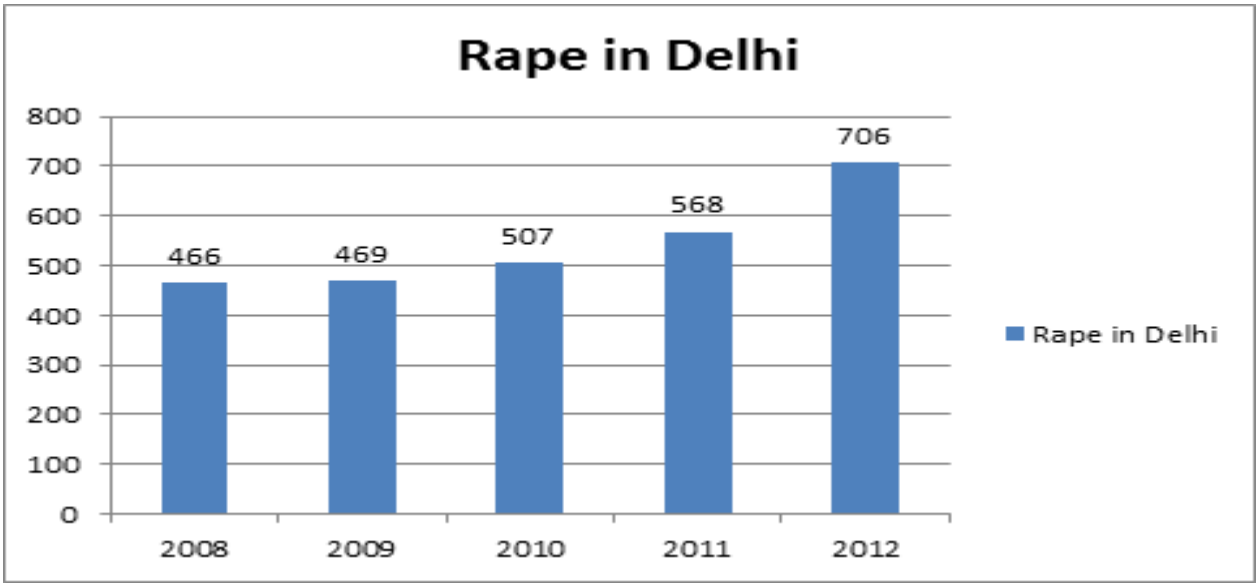
Introduction

Rape has become an epidemic which involves violence against women. The violence inherent in rape is coloured by gender and sexuality. Although women are the major victims of rape, but it has been used against men, children and trans genders also. Rape as a sexual weapon of violence, has been used against both individuals and social groups and vice-versa in radically different contexts ranging from entertainment lounges to war fields.

Delhi and the surrounding regions are known for rapid rates of urbanization which is propelled by real estate boom, migration and peril-urban development. Delhi as a megacity is at the front of violent sexual assaults on women. . According to NCRB report 393 cases of rape have been reported in Delhi just in the first three months of 2013. According to Baxi (2012), "Delhi has tolerated intolerable forms of sexual violence on women from all backgrounds in public spaces for decades. It is a public secret that women are targeted in streets, neighbourhoods, transport and workplaces routinely"[1]. The spatiality of rape too is highly heterogeneous since it can be in the home or away at workplace or on the road."



(*Data from NCRB*)

Urban transport and its transformations too affect rape in the capital city of India. As the city is increasingly refashioned as a themed space, rape too has become sport-like thematic event so is the craze for rape on moving vehicles. Therefore, Baxi (2012) argues that "it is a public secret that rape of women in moving vehicles is popularly seen as a sport. The sexualisation of

[1] Rape Cultures in India, Available at http://kafila.org/2012/12/23/rape-cultures-in-india-pratiksha-baxi/

women's bodies accompanies the projection of cars as objects of danger and adventure. Private buses now participate in this sexualisation of moving vehicle as a site of enacting pornographic violence. In this sense, safety is not seen as a commodity that can be bought, purchased or exchanged[2]". Banalisation of fantasy too is a provoking factor, through the easy availability of pornographic materials for everyone. The body-(images) of women (irrespective of caste and class) becomes available for exploitation for men (irrespective of caste and class)[3]. And mobile phones are the easiest portable carriers of such pornographic materials which in turn can be privately enjoyed even in public space without attracting attention[4].

In other words, rape in urban area is a qualitatively different phenomenon which is stimulated by different drives, aspirations. It also occurs due to changing values, ideologies and belief system among males which are rooted in the peculiarities of the physical and social infrastructure of a mega city. Rape in Delhi is constituted by different sections of both urban and rural people but in markedly distinguishable ways.

Rape has been defined in different ways: for instance, rape as sex, rape as gender violence, rape as gender domination and rape as sexual exploitation. However, one can easily see that rape involves the elements of sex, violence, domination, subjugation and exploitation. To define rape, one has to begin to see it as a social phenomenon rather than individual traumatic experience. In the very *de facto act of socially defining* rape, a whole range of social actors, including the victims and perpetrators are involved. Rape is not fully an empirical fact; it is always normatively perceived, experienced and described. The de jure definition of rape differs from society to society, which in India is primarily defined in terms of forced carnal intercourse outside of a marital relationship

Ontologically, there can be three views on rape; the perpetrator view of rape, the victim view of rape and the spectator view of rape. The perpetrator view is important because rape is not just physical violence; it also involves the 'intended' imposition of indignity/dishonour on the victims for purposes ranging from personal to political. The victim view of rape is both a narrative of physical and mental suffering which are perceived on the basis of accepted social norms. In the same way, for the juridical recognition of rape, the raped have to conform to the legal description of what s/he experienced and recall it in sync with the spirit of the law. Clearly, three level of defining rape is discernible regarding rape. At the victim-perpetrator level, rape must have experienced in the view point of either of these, which strangely reflects the Hegelian

[2] ibid

[3] Ironically, pornography is a social equalizer in this sense. Pornography enables the breaching of sexual enjoyment across caste and class, even if virtually but with profound consequences in sexual interactions in society.

[4] Pornographic content in mobile phones are not just the only cause behind the rape culture in Delhi. Rather, it definitely contributes to hyper-sexualisation of public life. One could easily notice people of varying ages surfing through nude content in their devices while travelling in Delhi Metro or in public transport buses. Here the consumption of sexual content happens in a private space in the sense that the person does it individually and alone.

dialectic of Master-Slave; a rapist is not recognised as one if the act is not recognised as rape by the victim.

Statement of the Problem

Rape is a social harm directly touching a number of women every year and in many ways impact nearly all women. In Mills term, "Rape ought to be considered a social problem or issue that effect all of society". Incidents of rape have been on a rising scale in the present time in India and in other countries as well. Although rape is not a new phenomenon but what is more disappointing is the fact that as we have reached 21st century, in the era of globalisation and modernisation the situation has become extremely worse and crime of rape has become heinous and violent as it can be seen in 16th dec.2012 rape case in Delhi. According to NCRB report also, rape is the fastest growing crime in India. We wake up daily to the news of the most heinous crime against women (that is rape) in one place or other, ironically who is worshiped in various forms. So where do all these pure feeling disappear when a man happens to be in the presence of a lone woman. What makes a man turn into a monster, inflicting upon a girl the deepest wounds, physically and emotionally? What flaws in the society and his socialisation turns him into a monster.

The crime of rape is not confined to any particular geographical location. It is a global issue committed out in neighbourhood, communities, places of worship and even countries ravaged by war. It leaves its mark everywhere and is a crime, which is mostly under reported and handled insensitively by authorities. Incidents of rape are more frequent in the National Capital, which has led to greater concern to the society, administration, government and the social scientists. There is a huge gap between reported number of cases of rapes in Delhi and its actual occurrence. The controlling measures are not proving successful and formulations of new policies are not implemented properly. The problem needs to be cracked with some solutions.

Women from every strata of society are being victimized. The vulnerability of women is closely related to their socio-economic status. Therefore, Rape must be viewed as a social issue, not just another crime or mental health. It must be seen as an issue, which not only affect females but also poses a threat and indignity to the whole society.

Significance of the Study

Studies conducted so far on rape have specifically not taken up the causes of rape, sufferings and socio-economic conditions of rape survivors. Although there are studies of rape testimonials but they are done mostly from legal point of view. Compare to studies on rape from western context in India there is a dearth of studies on this issue. The significance of this study also lies in the fact that now a days Delhi, the capital of India, is being considered as a rape capital but not much research is done on rape in Delhi particularly. Exploring the concrete ways for adapting the physical and social infrastructure of Delhi City in a way to make the city antagonistic to sexual violence is the central concern in research. The present study aims to explore the gender-discriminatory environment and to understand what makes ensures the continuance of this rape environment. The study would explore the inter-linkages between the larger processes of urbanization in Delhi and the surrounding areas and its effect on rape. The study not only examines the physical and social infrastructure of Delhi vis-à-vis their ability to prevent crimes against women.

In general, the study of rape has been a neglected area of research. Here, an effort is made to conduct a deeper analysis of the issue that is turning the world around the career-oriented women into an unsafe heaven.

To develop a socio-economic profile of the rape survivors in Delhi is the core of the research. It would help to see how different sections of population are differently affected by the crime of rape in Delhi. To study and suggest concrete measures to ameliorate the urban environment more conducive for gender equality and women's freedom is the area of concern for the researcher.

The study also extends to know the impact of rape on the rape survivors, on women in general and on the society. What are the possible measures to bring the victims back into the mainstream and above all, how can this crime be mitigated if not eradicated.

Therefore, this study will be a one-step further to combat problem of rape and provide some solution. Hence, this study will add a new dimension to sociological literature.

Review of Literature

Baxi (2010) while doing her discourse analysis on rape in Gujarat argues that the rape prosecutions in India are inherently biased against women and the emphasis of the trial is not to punish the culprit but to reach a compromise. This work pays attention to the culture of compromise that envelops rape prosecutions. This aspect of rape prosecutions has not been adequately came under discourse either within the women's movement, the judiciary or the contemporary discourse on judicial reform in India. The author is of the view that the socio-legal process encapsulated in the word 'compromise' is an exposition of how secrecy may be thought

of as 'indispensable to the operation of power rather than as an abuse of power'. Unlike other forms of out-of-court settlements described as mechanisms of alternate dispute resolution, plea-bargaining or mediation in courts of law, compromise is not legal in rape cases in India. Baxi argues that compromise cannot be a product of case outcome but it is achieved between the victim and the culprit in the process of law through various spurious means. Her study on rape is more on juridical perspective.

Baruch (2004) was of the view that there has been a growing trend of rape along with development and liberalization. According to her rape is the most calculated , cold blooded deliberate and heinous of crime committed by men on women by virtue of the simple fact that he is more stronger than the victim . She has categorised the rapists. One, who is motivated with sex desire only, Second group is motivated by an impulse to punish and hurt the victim rather than sex desire, and third group is aggressive criminals, which is out of pillage and rob or the soldiery of conquering army. Her studies in Bihar indicate that the percentages of rape in rural areas were slightly higher compared to urban areas. She suggested that the crime against women has to be waged by the various sections of society through campaigns and various programmes with social support along with legal protection. Above all women have to be aware of their rights.

Dutta (2003) clearly espouses that the sematic meaning of rape is direct or indirect physical and mental cruelty to women. To the large extend this attributed to the lack of infrastructure for single working women? Sometime even police is a party to such crime and this leads to deep insecurity among women. The most effective strategies are likely to be those that support women to organise peer group and mobilise community resources and public service. If women are to implement their reproductive preference, then it is essential that their empowerment occur not only within their personal sphere but also in the broader sphere of the community and the state.

Sielke's work **(2002)** is an exploration of representations of rape, of what the author have come to call the rhetoric of rape, not an analysis of rape as a social fact. The dominant narratives on rape not only victimises the raped but also attempts to construct her indignity in being raped. The raped is considered as a leftover; it is this idea that has been examined in his book in examining centuries of literary history in the United States. After reading the book, one realises that unlike contemporary rape narratives, which are highly self- reflexive, feminist antitrade discourse remains quite unconcerned about how it is itself inflected by established representations of rape, about how much its conceptions of sexuality and sexual violence result from and further reinforce and nourish dominant fictions. Sielke believes that without re-examining the very rhetoric of rape, we cannot defend against rape.

Smith, Keating, Hester and Mitchell (1976) have done the psychological study of rape and express their view that the psychological-experimental study looks at how the blame of rape is attributed to the victim. They have examined the common understanding that the victims, to some extent, are responsible for being raped. This attribution of responsibility changes according to social roles. Thus the study finds that acquainted victims receive less blame compared to non-acquainted victims. According to them significant differences were observed in the perceptions of different sexes. Males found to be blaming the victims for their carelessness and provocativeness but females had high levels of identification with the victims. Significantly, females stood for starker punishment for the culprits than males. Their study concludes that social role characteristics are hugely influential in attribution judgements.

Whatley (1996) discuss that lot of research shows, many people think that victims are at least part of the problem in rapes. His study looks at how third party observers assign responsibility to victims of rape. It has been noted that factors such as the victim's clothing revoltingness, character, physical attractiveness, and acquaintance with her attacker are taken into consideration before third parties making judgements on responsibility. The study reveals that women who were dressed in revealing clothing attract more chances of being raped since they are considered more desirable. The respectability-social status of women plays a significant role whether people attribute blame to the victim.

Boron and Michel (1996), Examining data from a forensic centre for rape victims, explores the prevalence of post-traumatic stress disorder (PTSD). Different types of rape make differing levels of stress on the victims. It is considered that incestuous rape is a predictive factor for PTSD at 6 months. Such victims mostly re-experience rape and see nightmares about being raped. Clearly rape is one of the most traumatic and stressful experience. Other PTSD, too are present in most of the rape victims. Victims usually suffer from Phobic and dissociative, or borderline-like features. It means that once raped, the victim needs immediate psychiatric care even well before the appearance of any symptoms. Their study is helpful in understanding the conditions of the rape survivors.

Narrain (2013) clearly spouses that the Delhi gang rape case appears to be without a precedent. However, one can place it in a larger trajectory of sexual violence against women. The extent of violence was considered to be the reason why the Delhi gang rape case caught the breath of the nation. Rape even now is primarily understood as the violation of women’s chastity as required by the traditions and customs of a society. Rape has now considered as a war crime. It is part of genocide and recognised as a crime against humanity.

Gupta and Gupta (**2013)** meticulously examine various aspects of rape within the framework of marriage in India. Though marital rape is the most common and repugnant form of masochism in the Indian society, it is well hidden behind the iron curtain of marriage. Despite the prevalence of marital rape, this problem has received relatively little attention from social scientists, practitioners, the criminal justice system, and larger society as a whole. He also gave a good overview of the legal trajectory of the marital jurisprudence in India from the English judicial system. As in England, India too considers marital rape as a non-crime since the wife is a 'property' of the husband. Gupta argues that the domestic violence act does not offer a concrete solution for sexual violence as it only suggests that the wife can go to court for judicial separation.. The authors recognise that mere criminalisation will not end this problem but will set the necessary conditions for ending it.

Krishnaswami, Bali, Kothari (2013) discusses about Justice JS Verma Committee which was set up to look into the law relating to sexual violence in the country and submitted its report on the 23rd of January this year. This report mirrors the official bureaucratic discourse and promotes legislative reform as a panacea for serious lacunae in our empirical understanding of the nature of crime and the criminal process in India. In this paper, the authors show that a rigorous analytical and empirical approach to understanding the incidence of rape in India dislodges the myths and cultural prejudices that currently frame the debate on the subject. The paper suggests that a sincere approach to the problem of law reform is one that makes the best attempt to study existing social science evidence, while also improving the quality of the available evidence. The paper vehemently argues that the claim of a higher rate of rape incidence in urban areas is not sustainable on three grounds. First, an analysis of data provided by the National Crime Records Bureau (NCRB) and the Census of India at the district level does not show any positive correlation between urbanisation and rates of reported rape incidence. Second, it is not wise to use data on appellate court outcomes such as that from the Criminal Law Journal to establish rates of incidence of crime. Third, accurate claims of crime incidence cannot be made in the absence of crime victimisation surveys. Thus, the paper unearths some disturbing facts in the trends and the patterns of rape in India.

The literature review so far does not deal with the conditions of rape survivor in depth and much of the studies are dealt with the quantitative aspects of rape. There remains a possibility of drawing significantly from these literatures and assembling it for a proper sociological analysis. The theoretical framework of the study would be framed from this base and further an empirical study would be carried out.

Objectives of the Study

- To study the socio-economic status of rape survivors.
- To study the sufferings of survivors.
- To study the relationship between rape and education of rape survivors
- To analyse the relationship between rape and age.
- To map the social relations (were they related/known to each other?) between the victims and the perpetrators

- To understand how caste in the changed context of a megacity, redefines the very notions of rape
- To study how the urban physical and social infrastructure construct a rape friendly environment in Delhi.
- To audit the existing laws pertaining to rape and suggest urban specific policy mechanism for Delhi for countering rape and also explore concrete ways to raise awareness vis-à-vis the culture of rape.

Hypotheses

- The reality of rape is different for women belonging to different socio-economic strata.
- Rape Survivors get isolated from the main stream of society.
- Uneducated women are more prone to rape.
- Women of Young age group are more prone to rape.
- Incident of rape is more frequent among known persons.
- Women from lower caste category are more prone to rape.
- The peculiarities of rape in Delhi are the products of peculiarities of urbanism in Delhi.
- Improper implementation of laws and execution of policies are the major causes of rape.

Key Concepts

- Rape- the crime of sexual intercourse without consent and accomplished through force, threat of violence or intimidation (such as a threat to harm a woman's child, husband or boyfriend). What constitutes lack of consent usually includes saying "no" or being too drunk or drug-influenced for the woman to be able to either resist or consent.
- Rape survivors- a person who has been sexually assaulted
- Suffering- the state of undergoing pain, distress, or hardship by the rape survivors.

- Urbanism-is the character of urban life, organization, problems, etc., as well as the study of that character (way), or of the physical needs of urban societies, or city planning.
- Urbanisation- is the physical growth of urban areas as a result of rural migration and even suburban concentration into cities, particularly the very large ones.

Universe and Sample

- All the rape victims living in total 103 wards of North Delhi will be the universe of study.
- 25% wards (approximately 25 wards) out of 103 wards will be selected purposively.

Research Methodology

The study will be conducted in North Delhi, covering a period of 5 years (2008- 2013).

Research Design: Exploratory and Descriptive

Tools of Data Collection will be in-depth interview-schedule, case study, ethnography and group interactions which would be used for redefining the very notion of rape. Participatory observation would be the technique to explore the relation between gender equality and physical and social infrastructure of Delhi city.

Sources of data will be primary and secondary.

- Official statistics on the National Capital Region would be used to set the background of the study. For the census survey to measure the prevalence of rape in Delhi, an adequate number of people would be surveyed cutting across caste, class, religion and location.

Tentative Chapterization

1. Introduction

- **a. Context**
- **b. Review of literature**
- **c. Theoretical Framework**
- **d. Statement of the Problem**
- **e. Significance of the study**
- **f. Objectives of the study**
- **g. Hypotheses**
- **h. Definition of Key Concepts**
- **i. Methodology**

2. Socio-Economic Status of Victims

3. Sufferings of Rape Survivors.

4. Factors Responsible for Rape.

5. Rape Laws and the Enforcement.

6. Summary and Conclusion

Appendices

References

Glossary

References

1. Baxi, Pratiksha (2010) Justice is a secret: Compromise in rape trials, *Contributions to Indian Sociology*, pp. 44: 207.
2. Baxi, Pratiksha (2000) Rape, Retribution, State: On Whose Bodies?, Economic and Political Weekly, Vol. 35, No. 14 (Apr. 1-7, 2000), pp. 1196-1200.

3. Baxi, Pratiksha. 2005. The Social and Juridical Framework of Rape in India: Case Studies in Gujarat. Unpublished PhD thesis, Department of Sociology, Delhi School of Economics, New Delhi.

4. Agnes, Flavia (1993): 'Review of a Decade of Legislation, 1980-1989: Protecting Women against Violence?', Economic and Political Weekly, XXVII, 7: WS-19-WS-33.

5. Agnes, Flavia (1983): 'The Anti-Rape Campaign: The Struggle and Setback' in C Datar (ed) Struggle Against Violence, Stree, Calcutta.
6. Albin, R S (1977): 'Psychological Studies of Rape', Signs: Journal of Women in Culture and Society, 3, 2: 423-335.

7. Baxi, U V Dhagamwar, R Kelkar, L Sarkar (1979): 'An Open Letter to the Chief Justice of India', Supreme Court Cases, 4:17-22. - (1994): Inhuman Wrongs and Human Rights: Un-conventional Essays, Har Anand Publications.

8. Das, Veena (1995): Critical Events: An Anthro-pological Perspectiveo n ContemporaryI India, Oxford University Press, Delhi. -(1996): 'Sexual Violence, Discursive Formations and the State', Economic and Political Weekly, Vol XXXI, Nos 35, 36 and 37:2411-23.

9. Dhagamwar, Vasudha (1992): Law, Power and Justice: The Protection of Personal Rights in the Indian Penal Code, Sage, Delhi.
10. Gandhi and Shah (1990): The Issues at Stake, Kali, New Delhi.

11. Goffman, Erving (1963): Stigma: Notes on the Management of Spoiled Identity,PrenticeH all, USA.

12. Jackson, Bernard (1985): Semantics and Legal Theory, Routledge and Kegan Paul, London.

13. Kannabiran, Kalpana (1996): 'Rape and the Construction of Communal Identity' in Kumari Jayawardena and Malathi de Alwis (eds), Embodied Violence: Communalising Women's Sexuality in South Asia, Kali, New Delhi.

14. Baruch Arunima, The Soft Target: Crime Against Women, (2004) Kiloso Book, New Delhi

15. Dutta R.K, Crime Against Women (2003) Reference Press, New Delhi

16. Smith R. E, Keating J. P, Hester R. K And Mitchell H. E (1976) Role and Justice Considerations in the Attribution of Responsibility to a Rape Victim, *Journal of Research in Personality*, Vol. 10, pp. 346-357.

17. Mark A. Whatley (1996) Victim Characteristics Influencing Attributions of Responsibility To Rape Victims: A Meta-Analysis, Aggression and Violent Behaviour, Vol. 1, No. 2, pp. 81-95.

18. Darves-Bornoz, Jean-Michel (1996) Rape-related psychotraumatic syndromes, *European Journal of Obstetrics & Gynecology and Reproductive Biology*, Vol. 71, pp. 59-65.

19. Narrain, A. (2013) Violation of Bodily Integrity: The Delhi Rape Case among Others, Economic and Political Weekly, Vol. XLVII, No. 11, pp. 17-21.

20. Bhavish Gupta and Meenu Gupta (2013) Marital Rape: - Current Legal Framework in India and the Need for Change, Galgotias Journal of Legal Studies, 2013 GJLS Vol. 1, No. 1

21. Pratiksha Baxi (2010) Contributions to Indian Sociology Justice is a secret: Compromise in rape trials, Vol. 44, pp. 207-238.

22. Sabine Sielke (2002) Reading Rape, The Rhetoric Of Sexual Violence In American Literature And Culture, 1790–1990, Princeton: Princeton University Press.

23.Sudhir Krishnswami, Shishir Bali and Rohan Kothari (2013) Urban-Rural Incidence of Rape in India: Myths and Social Science Evidence, LGDI WORKING PAPER NO 2013-1 APRIL 18, Asim Premji University.